

# India

## Incidence and Nature of Child Labor

The ILO estimated that 11.2 percent of children ages 10 to 14 years in India were working in 2002.<sup>2025</sup> Children work mostly in the agricultural and informal sectors; however, many children can also be found engaging in domestic work and laboring in factories.<sup>2026</sup> Bonded or forced child labor is a problem and exists in several industries.<sup>2027</sup> Recent reports indicate that the practice exists in carpet manufacturing<sup>2028</sup> and silk weaving.<sup>2029</sup> Children work under hazardous conditions in the production of glassware, *bidis* (cigarettes), fireworks, matches, locks, bricks, footwear, brassware, gem stone polishing, stone-quarrying,

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<sup>2025</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. There are no recent and accurate estimates of working children in India. The government maintains that the only reliable statistics on child labor are those of the national census. However, child labor data from the latest national census (2001) have yet to be released. India's 1991 national census found that 11.3 million of the country's children were working. The 55<sup>th</sup> National Sample Survey conducted in 1999-2000 estimated that the number had declined to 10.4 million. NGOs believe the number is around 55 million, while the International Confederation of Free Trade Unions reports the figure to be as high as 60 million. See Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 67 No. 150, September 5, 2002. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," *Trade Union World* No. 6 (October 2004), 2. In addition, the government estimated in 2003 that 35 million children ages 6 to 14 were not attending school. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*, August 26, 2004. For more information on the relationship between primary education and the worst forms of child labor, see the "Preface" and "Data Sources" sections of this report.

<sup>2026</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 5314*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: India*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27947.htm>.

<sup>2027</sup> Except for a few specific sectors, reports on forced or bonded child labor largely date back to the mid-nineties and recent information is not available. See U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: India*, CRC/C/15/Add.115, Geneva, February 23, 2000, paras. 65-66 and 74-77 available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.115.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.115.En?OpenDocument). See also U.S. Embassy - New Delhi, email communication to USDOL official, October 29, 2004. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour." The government does however maintain that the overwhelming majority of child labor in India is not "forced or indentured". See Government of India, *Written communication*, submitted in response to U.S. Department of Labor Federal Register Notice (July 14, 2004) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor", Washington, D.C., August 13, 2004, 2.

<sup>2028</sup> Human rights organizations estimate that many of the 300,000 children estimated to be working in the carpet industry are doing so under conditions of bonded labor. U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour," 7. In addition, it is reported that forced or bonded labor occurs in cottonseed production. Davuluri Venkateswarlu, *Child Labour and Trans-National Seed Companies in Hybrid Cottonseed Production in Andhra Pradesh*, India Committee of Netherlands, n.d., 4,9.

<sup>2029</sup> Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003, 9. See also U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also Zama Coursen-Neff, "Meanwhile: For 15 Million in India, a Childhood of Slavery," *The International Herald Tribune*, January 30, 2003.

leather goods<sup>2030</sup> and sporting goods.<sup>2031</sup> Children are also found living and working on the streets of India.<sup>2032</sup> Commercial sexual exploitation of children, including child sex tourism, occurs in major cities.<sup>2033</sup>

India is a source, destination, and transit country for trafficking of children for the purposes of commercial sexual exploitation and other forms of exploitive labor. Children are reported to be trafficked from India to the Middle East and Western countries such as the United States and Europe; into India from Bangladesh and Nepal; and through the country to Pakistan and the Middle East. Mumbai, Calcutta and New Delhi are major destination cities for young girls trafficked from Nepal and Bangladesh for the purpose of commercial sexual exploitation. Children are also trafficked within India for sexual exploitation and forced or bonded labor. Organized crime and police corruption were common factors that contributed to the overall situation of trafficking in India.<sup>2034</sup> An August 2004 study by the government estimated that almost half of the trafficked children interviewed were between the ages of 11 to 14 years.<sup>2035</sup>

The December 26 tsunami left many children in India orphaned or separated from their families and without access to schooling, increasing their vulnerability to trafficking and other forms of labor exploitation. However, the impact of the disaster on children's involvement in exploitive child labor has yet to be determined.

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.<sup>2036</sup> The 1986 National Policy on Education and the 1992 Program of Action

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<sup>2030</sup> Because of the various hazards associated with these particular sectors, the work has been identified as harmful to the physical, emotional or moral well being of children. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 6-7. Past reports have identified the use of forced or indentured child labor in brassware, hand-knotted wool carpets, explosive fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, hand-spun silk thread and hand-loomed silk cloth, hand-made bricks, and bidi cigarettes. See U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

<sup>2031</sup> U.S. Department of State, *Country Reports- 2003: India*, Section 6d. See also International Confederation of Free Trade Unions, "ICFTU Article on Child Labour." In addition, it is reported that hazardous child labor exists in shrimp production. *Workshop on Child Labour in Shrimp Culture (Orissa)*, American Centre for International Labour Solidarity, October 2001.

<sup>2032</sup> Children work on the streets doing odd jobs, as rag dealers, shoe shiners and vendors. International Confederation of Free Trade Unions, "ICFTU Article on Child Labour," 2.

<sup>2033</sup> It is estimated that between 15 to 40 percent of the prostitutes in India are children. See U.S. Department of State, *Country Reports- 2003: India*, Section 6f. See also ECPAT *Consultation on Child Sex Tourism in India, Nepal and Sri Lanka: Situational Analysis Studies of Child Sex Tourism in Tourist Destinations of India, Nepal and Sri Lanka*, ECPAT, December 2003. See also ECPAT International, *India Country Profile*, [online] [cited May 26, 2004]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/countries.asp?arrCountryID=76&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination\\_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National\\_plans\\_of\\_action&orgWorkCSEC=&DisplayBy=optDisplayCountry](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=76&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=&DisplayBy=optDisplayCountry).

<sup>2034</sup> U.S. Department of State, *Country Reports- 2003: India*, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2004: India*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

<sup>2035</sup> The study was partly funded by USAID with the assistance of UNIFEM. The survey interviewed over 500 victims of child trafficking. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2036</sup> *The Constitution of India*, (November 26, 1949), Article 45.

reemphasized that goal.<sup>2037</sup> The Parliament passed legislation in December 2002 making education for all children ages 6 to 14 a constitutionally guaranteed fundamental right; however the implementation of this new guarantee has yet to come into force.<sup>2038</sup> Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and 4 union territories.<sup>2039</sup> In 2000, the gross primary enrollment rate was 98.8 percent, and the net primary enrollment rate was 83.3 percent.<sup>2040</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendances statistics are not available for India. As of 1999, 59.0 percent of children who started primary school were likely to reach grade 5.<sup>2041</sup>

## Child Labor Laws and Enforcement

India does not have a national minimum age for employment.<sup>2042</sup> However, the Child Labor (Prohibition and Regulation) Act of 1986 prohibits the employment of children under the age of 14 in 13 occupations and 57 processes that are considered hazardous and places restrictions on children's work hours in all other sectors.<sup>2043</sup> In 1996, India's Supreme Court established a penalty for persons employing children in hazardous industries and directed national and state governments to identify and withdraw children from hazardous work and provide them with education. Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976. Under the Act, allegations of bonded labor and child bonded labor are investigated by district-level Vigilance Committees.<sup>2044</sup> The Penal Code and the Immoral Traffic (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a child is imprisonment for 7 years to

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<sup>2037</sup> UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, CRC/C/28/Add.10, prepared by the Government of India, pursuant to Article 44 of the Convention on the Rights of the Child, July 7, 1997, para. 221; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.28.Add.10.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument).

<sup>2038</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2039</sup> These states and union territories are Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry, and the Andaman and Nicobar Islands. See Embassy of India, *Child Labor and India*, [online] [cited May 25, 2004]; available from [http://www.indianembassy.org/policy/child\\_labor/childlabor.htm](http://www.indianembassy.org/policy/child_labor/childlabor.htm).

<sup>2040</sup> The gross primary enrollment rate for boys (107.4 percent) was much higher than that for girls (75.6 percent). See World Bank, *World Development Indicators 2004*. The government estimates that approximately 20 percent (35 million) of children ages 6 to 14 do not attend school. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2041</sup> This report may cite education data for a certain year that is different than data on the same year published in the *U.S. Department of Labor's 2003 Findings on the Worst Forms of Child Labor*. Such data, drawn from the World Bank's *World Development Indicators*, may differ slightly from year to year because of statistical adjustments made in the school-age population or corrections to education data. World Bank, *World Development Indicators 2004*. A 2003 Ministry of Education report states that the drop-out rate remains 53 percent. See U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2042</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2043</sup> The Act restricts employment by establishing a limit of a six-hour workday for children, including a 1 hour mandatory rest interval after 3 hours of labor; prohibits overtime and work between the hours of 7 p.m. and 8 a.m.; and requires that children be given one full day off per week. Penalties under the Act range from three months - 1 year imprisonment and between 10,000-20,000 rupees. See *Child Labor- Prohibition and Regulation Act 1986*, Part II, Part III, 7 and 8 and The Schedule, Parts A and B [cited May 25, 2004]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also Embassy of India, letter, September 5, 2002. See also Government of India, *Government of India written communication, August 13, 2004*.

<sup>2044</sup> Government of India, *Government of India written communication, August 13, 2004*, 3.

life.<sup>2045</sup> In May 2003, India ratified the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.<sup>2046</sup> In 2000, the Government of India issued a notification banning government employees from using child domestic workers.<sup>2047</sup>

There were no new national or judicial efforts in 2004 to strengthen or enforce existing child labor laws and regulations.<sup>2048</sup> The U.S. Department of State reported that enforcement of child labor laws, which falls under the jurisdiction of state governments, is inadequate for a number of reasons, including insufficient government resources, traditional attitudes toward child labor, and the government's inability to provide universal primary education.<sup>2049</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In January 2004, the Government of India launched National Child Labor Projects (NCLPs) in 50 new districts, bringing the total number of NCLPs to 150 in 20 states.<sup>2050</sup> The government's 2002-2007 10<sup>th</sup> Five-Year (Development) Plan includes provisions to increase the overall number of NCLP districts to 250.<sup>2051</sup> A major activity of the NCLPs has been the establishment of special schools that provide non-formal education, vocational training, stipends, and nutrition supplements for children withdrawn from hazardous work.<sup>2052</sup>

According to the government, as of December 2003, more than 200,000 children have been withdrawn from hazardous work and placed in NCLP schools around the country.<sup>2053</sup> Under the government's current Five-Year Plan, child labor elimination efforts have been integrated with the country's Universal Elementary

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138	
Ratified ILO Convention 182	
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

<sup>2045</sup> Embassy of India, letter, September 5, 2002, 6-7.

<sup>2046</sup> See "India Keen on Combating Trafficking in Women and Children," *The Hindu*, June 9, 2003.

<sup>2047</sup> U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

<sup>2048</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 5314*.

<sup>2049</sup> U.S. Department of State, *Country Reports- 2003: India*, Section 6d.

<sup>2050</sup> Ministry of Labour Government of India, *Dr. Sahib Singh and DG ILO Jointly Launched the NCLPs in 50 New Districts*, press release, New Delhi, January 14, 2004. See also Ministry of Labour Government of India, *We Will Make All Out Efforts to Attack the Program of Child Labour by Adopting a Focussed, Integrated and Convergent Approach*, New Delhi, February 9, 2004; available from [http://pib.nic.in/release/rel\\_print\\_page.asp?relid=1061](http://pib.nic.in/release/rel_print_page.asp?relid=1061), Ministry of Labor of the Government of India, *Child Labor*, [online] [cited May 25, 2004].

<sup>2051</sup> Government of India, *Government of India written communication, August 13, 2004*, 3-4.

<sup>2052</sup> ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, Addendum I. See also Ministry of Finance of the Government of India, *Economic Survey 2002-2003*; available from <http://www.indiabudget.nic.in/es2002-03/chapt2003/chap106.pdf>. An evaluation of the NCLPs found that the schools were successful in terms of enrollment, attendance, nutrition, teacher training and health, however were deemed unsatisfactory in the areas of providing stipends, mainstreaming, parent teacher interaction, awareness raising, vocational training and school infrastructure. See R. Helen Sekar, *National Child Labor Project Evaluation*, National Resource Center on Child Labor, V.V Giri National Labor Institute, 3.

<sup>2053</sup> Convention on the Rights of the Child, Second Periodic Report of India, January 21, 2004, paragraph 44.